

REMARKS

In the Office Action of November 25, 2005, claims 1-48 and 51 were allowed, and claim 50 was deemed allowable. Claim 49 was rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Speiss (U.S. Patent No. 2,723,790).

In this Amendment, Applicants propose amending claim 49. Thus, upon entry of this Amendment, claims 1-51 would remain pending.

In response to the comments of the Examiner regarding claim 49, Applicants have amended this claim to more particularly point out and distinctly claim the invention. The amendments comprise specifying that the filling elements are movable vertically, and further comprise identification of a respective container in cooperation with each filling element. Accordingly, claim 49, as proposed, now recites a filling machine in which circumferentially disposed filling elements are movable vertically between a rest position and a filling position, each filling element contacting a respective one of the containers when in the filling position, and wherein each of the filling elements moves vertically downward from the rest position to the filling position before the respective one of the containers is moved beyond the in-feed guide elements. Applicants respectfully submit that such subject matter is not disclosed within Speiss. Applicants therefore respectfully request the withdrawal of the rejection of claim 49 and indication of allowance of all pending claims.

Finally, with regard to the information disclosure statement objections, in a December 7, 2005, telephone conversation, the Examiner indicated that he had received all identified documents and information disclosure statements, except for the information disclosure statement lists (Form 1449 Information Disclosure Statement lists filed in August and

September, 2005). As requested, the undersigned has enclosed copies of those information disclosure statement lists for the Examiner's convenience. Applicants request that the Examiner consider these cited documents and return an initialed copy with the next paper in this application.

In view of the above, Applicants respectfully request the reexamination and reconsideration of the present application, and the allowance of pending claims 1-51.

If any fee not accounted for above is required for entry of this Amendment or papers filed herewith, authorization is hereby granted to charge such fee to Deposit Account No. 04-1403. If any petition is required for entry, such petition is hereby made and any associated fees may also be charged to our deposit account.

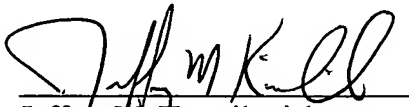
The Examiner is encouraged to call the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

DORITY & MANNING, P.A.

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